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APPENDIX.

[Vide item IV on pages 259–261 supra.]

REPORT OF THE COMMITTEE OF PRIVILEGES ON THE QUESTION OF THE DEFINITION OF THE TERM "PRECINCTS OF THE HOUSE".

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,

MADRAS.

I, the Chairman of the Committee of Privileges, present this report on the question of the construction that should be put on the expression "precincts of the House" as regards this Legislative Assembly.

2. This question was referred to the Committee of Privileges on the 14th March 1955 (Appendix I) by the Speaker under Rule 187 of the Madras Legislative Assembly Rules. While referring the question the Speaker stated, that, as certain instances had come to his notice where a magistrate had, in one case, issued a bailable warrant against a member of the Assembly when the House was actually in session and in another case a constable had tried to serve a summons on a member within the Assembly building when the House was actually sitting, there was a chance, therefore, of legal process being served within the precincts of the House when the House was actually sitting, which would certainly be a breach of the privilege of the House, and that it was necessary to define the extent of the precincts in view of the location of the Library, the Canteen and Committee room in different places.

3. The Committee met on 31st March, 4th April, 15th July, 26th August, and 21st September 1955.

4. The Committee at its first sitting on 31st March 1955 which was inaugurated by the Speaker, wanted a note to be prepared on the subject. On 4th April 1955, the Committee considered the note prepared by the Legislature Secretariat (Appendix II) on what exactly the term "precincts of the House" meant. Precincts in England meant "within the building at Westminster or within the Palace Yard" which was a compact area. But in Madras, the Assembly Chamber is in one place, the Library in another place and the Committee room is in some other place. These buildings are connected by public thoroughfares and hence there was some difficulty in defining the term. As it was felt that information on the practice obtaining in other countries and the principle adopted there would be helpful in arriving at a decision on the question, the Committee decided to obtain information from the Commonwealth countries of Australia and Canada. The Committee also desired to know the opinion of the Advocate-General, and if necessary, that of Sri R. V. Krishna Ayyar, ex-Secretary to the State Legislature on the subject.

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5. From the replies received (Appendices III to VI), the Committee noted that the precincts include not only the Chamber where the meeting takes place, but also the rooms where the associated offices and facilities are located. Further it is seen that all the associated offices and facilities are all located in one and the same building. The associated offices that are located in the Westminster Palace in England or the Parliament House in Canberra or the Parliament House in Ottawa are the Committee Room, Speaker's Chamber, Office of the Clerk of the House and the Office of the Secretariats. The associate facilities located are the Canteen and the Library. In one of the Australian States, the precincts extended to the Members' residence also in the Parliamentary grounds known as the 'Lodge'. Here the Chamber, the Canteen, the Ministers' rooms, the Post Office, the Party Rooms the Library and the Legislators' Hostels, were suggested to be included in the term 'precincts' as far as this Assembly was concerned. As the matter was complicated on account of the fact that these separate buildings were connected by public roads, the Committee considered whether the precincts could not be extended only to such of the buildings away from the Chamber which were subject to the control of the Speaker wherein the associated offices and facilities were located. By applying this test the Post Office and the Hostels had to be excluded as they were not under the control of the Speaker. It was contended that both the Hostels and the Post Office should also be considered as associated facilities and therefore included within the precincts, but the Committee decided that as the public had unrestricted access to these, it would not be proper to bring them under 'precincts'. The inclusion of the roads from the Assembly Chamber to the other buildings within the precincts was also considered. The Committee felt that the Advocate-General and Sri R. V. Krishna Ayyar should be heard before proceeding further in the matter.

6. At its meeting on the 26th August 1955 after hearing the Advocate-General and the ex-Secretary Sri R. V. Krishna Ayyar, the Committee considered what other offices apart from the Chamber, the Canteen, the Library and Committee room should be included. It decided that the definition of the term 'precincts' should be very liberal so as to avoid any scope for misconstruing even normal acts as an infringement of the privileges of the House. The question of including the Hostel within 'precincts' was again considered. In this connection it was pointed out that one should not claim the privilege merely because the residence of a member happened to be within the Government Estate, where the Assembly buildings were also situated. The Committee also considered the necessity of inclusion of the roads from the Assembly Chamber to the other buildings. If the roads are not included in the precincts the Committee felt that the members would not be able to use the associated offices and facilities.

7. The Committee, in view of the special circumstances in this State, has differentiated between a member and a stranger as far as the extent of precincts is concerned. In respect of a member

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the precincts should include the roads also as otherwise the member will not be enabled to discharge his duties. As regards strangers, they are permitted into the Gallery only for witnessing the proceedings. The Library being reserved for members and other attached offices and facilities not being meant for strangers, the Committee was of the view that ' precincts ' as far os strangers were concerned should be taken to mean only the Assembly Chamber.

8. The Committee after due consideration arrived at the following decisions :—

(1) " Precincts of the House " shall mean and include the entire Assembly buildings, the Ministers' rooms, the Library, the Canteen and the Committee Room together with the verandas and steps to these buildings and the pathways leading from the Assembly Chamber to the other aforesaid buildings in respect of members and, as far as strangers are concerned, ' precincts ' means the Assembly Chamber including its verandas and steps.

(2) In so far as the persons summoned by a Committee of the House for any purpose whatsoever, they shall be deemed to be within the precincts of the House so long as they are within the Committee Room, its verandas and its steps.

9. The Committee therefore recommends to the House that the above may be approved.

GOVERNMENT ESTATE,
MOUNT ROAD, MADRAS-2,
24th September 1955.

P. T. RAJAN,
Chairman.

DISSENTING MINUTE.

We are agreeable to the majority view of the Committee, but for the exclusion of the Hostels and Party Rooms from the definition of the " precincts of the House ". Arguments raised not to include hostels in the definition of precincts are that the hostels are not under the control of the Speaker, and that in case they are included they may become an asylum for offenders who can enter those buildings at any time without leave from the Speaker. This is a flimsy agreement inasmuch as the canteen or the pathways that are included in the precincts offer no restriction for the entry of strangers and they also are not under the exclusive control of the Speaker. The Government can at any time vest the control of any building in the Speaker and this House is fully competent to put any construction on the term precincts of the House that may include any building by virtue of which the Speaker gets auothority to exercise control over that building in so far as maintaining the dignity of the House.

As a matter of fact there is a quasi-control of the hostels by the House inasmuch as the House Committee that is constituted to look after the comforts of the Members is empowered to make recommendations with regard to facilities in the hostels also.

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Hence the hostels are a part of the buildings that go to make the work of the Legislators easy and comfortable, just as the Library or the Canteen is, and hence it is only proper that they are included in the " precincts of the House ".

It is to be noted that in Queensland, one of the Australian States, the ' precincts ' is extended to the Members' residence also in the parliamentary grounds known as the ' Lodge '. In Canada precincts comprises all the territory over which the Speaker has jurisdiction whether it be the Chamber of the House of Commons itself, or the corridors or the Committee Rooms or Members' rooms surrounding it, and also the restaurants, the Library and the Parliamentary grounds. In England " Percincts of the House " means the building at Westminster that includes Members' residences also. The same is the case in the Australian Parliament, the House of Representatives, Canberra, where also it is a compact building inclusive of Members' residence. Nowhere the Members' residence are excluded from the " precincts of the House " whether they are situated in a compact building or they are intersected by pathways, etc., they being situated in the same parliamentary grounds.

The other argument that the Hostels may become an asylum for offenders inasmuch as entry to the Hostel buildings by strangers are not regulated by the permission of the Speaker, also does not hold water, as the definition of the " precincts of the House " is restricted, as far as strangers are concerned to the Assembly Chamber including its verandas and steps. So there is no question of Hostels providing privileges to strangers.

Next is the question of Party Rooms. As a matter of fact, Party Rooms had been agreed to be included in the definition of the " precincts of the House " during one of the sittings of the Committee, and we are afraid that it was inadvertently left out while discussion turned round whether or not precincts are to comprise Hostels also. The Speaker is the person who allots rooms to every party and so he exercise control over Party Rooms better than any other authority. Further, Party Rooms are necessary facilities associated and attached to the work inside the Legislature. Hence it is only proper that Party Rooms also are included in the definition of the term precincts of the House. We therefore suggest that the definition of the " precincts of the House " shall be amended so as to include the Hostels and Party Rooms also, over and above what has been included in the definition arrived at by the majority of the Committee.

Government Estate,
Mount Road, Madras-2,
22nd September 1955.

P. K. GOPALAKRISHNAN,
P. JEEVANANDAM.